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Sent: Tue 11/8/2011 9:40:30 PM

Subject: REVIEW for Accuracy: Nov 8 OR CZARA 6217 Forestry Condition Conference Call Summary

November 8 OR 6217 Forestry Condition Conference Call

Please review the information below for accuracy:

Oregon's Draft TMDL Internal Management Directive (IMD) fails to explain how the prescriptive (implementation-ready) TMDL approach will address NOAA and EPA's concerns with landslide prone areas and road density and maintenance, particularly on "legacy roads." Specifically, the IMD fails to adequately satisfy items 3b and 3c (see below) under Additional Management Measures for Forestry described in the May 12, 2010 letter from EPA and NOAA. Submittal of Item 3 is nearly one year late (due by January 31, 2011).

Oregon plans to address items 3b and 3c through issuance and implementation of the OR Mid-Coast Implementation-Ready temperature and sediment TMDLs. During this call, Oregon Department of Environmental Quality (ODEQ) agreed to prepare a general description on Oregon's proposed approach to assessing, targeting, and addressing landslide prone areas and road issues, including examples of methodologies and BMPs. ODEQ will be arranging a 1/2 to full day meeting within the new few weeks to work on this approach paper so it will be completed within the next few months. (ODEQ may want to prepare an outline prior to the quarterly conference call scheduled for December 5.)

Additional Management Measures for Forestry.

3. Provide a more detailed description of the new prescriptive TMDL process. This revised description should:

b. During our January 14th meeting/conference call, the state discussed the potential use of DOGAMI LIDAR coverages, Relative Bed Stability, and GRAIP methodologies to assess, target, and address landslide prone areas and road issues in support of the new prescriptive TMDL process. DEQ should

briefly describe these methodologies and/or others and how they will be used in the new TMDL process. The description should include how these tools will help target and, where needed, develop "safe harbor" BMPs.

c. Provide a few examples of the types of "safe harbor" BMPs Oregon would use to address our concerns about adequate protection of riparian and landslide-prone areas and management/maintenance of forestry roads, specifically legacy roads, and meet load allocations and surrogate targets. We recognize that the BMPs could vary from parcel to parcel based on the site conditions but we need a reasonable assurance that the types of "safe harbor" BMPs Oregon is developing link to, and would meet, water quality standards and protect beneficial uses. For example, requirements for restricting harvest intensities and methods on high risk landslide prone areas should be described along with the triggers or thresholds for their application. We recommend providing comparable examples of harvest restrictions on high risk landslide prone areas such as those applied under the Washington Forests and Fish rules as well as the harvest restrictions under the Oregon Forest Practices Act rules related to high risk landslide areas above roads and buildings. The Northwest Forest Plan also includes measures for landslide prone areas that DEQ could consider.

The following was touched upon but not discussed. Do the BMPs (pertaining to adequate protection/restoration of riparian and landslide-prone areas and management/maintenance of forestry roads, specifically legacy roads) contained in a watershed TMDL (and the BMPs are designed to meet TMDL allocations and water quality standards) cover segments that are not listed on the 303(d) list? In the IMD it suggests BMPs in the TDML could cover these unlisted segments. Specifically under 4.1 Overview, it states:

"A TMDL is developed for waterbodies listed in Category 5 of the Integrated Report or for waterbodies identified as not meeting water quality standards or supporting beneficial uses."

"A TMDL can be developed for waterbodies not listed in Category 5 of the Integrated Report if during review of data for TMDL development the department identifies that a waterbody is not meeting water quality standards or protecting beneficial uses."

"TMDLs developed for the entire watershed apply to all perennial and intermittent streams within the boundaries of the TMDL."

What do you think?

Please forward this information to anyone else who is not listed in the addressees and should be.

Cheers,

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